

CASE

NUMBER:

99-204

INDEX FOR CASE: 99-204UAC

AS OF : 08/31/99

AT&T WIRELESS PCS, INC.

Construct

CELL SITE - 10996 DIXIE HIGHWAY - BOONE COUNTY

IN THE MATTER OF THE UNIFORM APPLICATION OF AT&T WIRELESS PCS, INC., ACTING BY AND THROUGH ITS AGENT, WIRELESS PCS, INC., FOR THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO CONSTRUCT A PERSONAL COMMUNICATIONS SERVICES NETWORK FACILITY IN WALTON, KENTUCKY AND CALLED THE RICHWOOD/ROBINSON CELL SITE

SEQ NBR	ENTRY DATE	REMARKS
0001	05/26/99	Application.
0002	05/27/99	Acknowledgement letter.
0003	06/15/99	Filing deficiencies letter, response due 6/30/99.
M0001	06/18/99	QUINT MCTYIRE AT&T WIRELESS-NOTICE OF FILING OF AFFIDAVITS OF PUBLICATION AND RETURN RECEIP
M0002	06/18/99	QUINT MCTYIRE AT&T WIRELESS-RESPONSE TO LETTER OF JUNE 15,99 CONCERNING FILING DEF
0004	06/23/99	Deficiencies cured letter
M0003	07/29/99	QUINT MCTYIRE AT&T WIRELESS-MOTION TO APPROVE UNIFORM APPLICATION
0005	08/31/99	Final Order granting a Certificate of Public Convenience & Necessity to constr.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

CERTIFICATE OF SERVICE

RE: Case No. 99-204 UAC
AT&T WIRELESS PCS, INC.

I, Stephanie Bell, Secretary of the Public Service Commission, hereby certify that the enclosed attested copy of the Commission's Order in the above case was served upon the following by U.S. Mail on August 31, 1999.

Parties of Record:

Diane Bender
Tax Manager
AT&T Wireless PCS, Inc.
2630 Liberty Avenue
Pittsburgh, PA. 15222

Honorable Holland N. McTyeire
Attorney at Law
Greenebaum Doll & McDonald PLLC
3300 National City Tower
Louisville, KY. 40202

Honorable Debbie Braun
Attorney at Law
AT&T Wireless Services
Central Region
15 East Midland Avenue
Paramus, NJ. 07652

Stephanie Bell

Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)	
PCS, INC., ACTING BY AND THROUGH ITS)	
AGENT, WIRELESS PCS, INC., FOR THE)	
ISSUANCE OF A CERTIFICATE OF PUBLIC)	
CONVENIENCE AND NECESSITY TO CONSTRUCT)	CASE NO.
A PERSONAL COMMUNICATIONS SERVICES)	99-204-UAC
NETWORK FACILITY IN WALTON, KENTUCKY)	
AND CALLED THE RICHWOOD/ROBINSON CELL)	
SITE, SITE # CN-205-03)	

O R D E R

On June 18, 1999, AT&T Wireless PCS, Inc. ("AT&T Wireless") filed an application seeking a Certificate of Public Convenience and Necessity to construct and operate a wireless telecommunications facility. The proposed facility is to be located at 10996 Dixie Highway, Walton, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 55' 31.71" by West Longitude 84° 37' 27.95".

AT&T Wireless has provided information regarding the structure of the tower, safety measures, and antenna design criteria for the proposed facility. Based upon the application, the design of the tower and foundation conforms to applicable nationally recognized building standards, and the plans have been certified by a Registered Professional Engineer.

Pursuant to KRS 100.987, AT&T Wireless has submitted the uniform application to the Boone County Planning Commission ("Planning Commission"). The Planning

Commission approved the uniform application. AT&T Wireless has filed applications with the Federal Aviation Administration ("FAA") and the Kentucky Airport Zoning Commission ("KAZC") seeking approval for the construction and operation of the proposed facility. Both applications are pending.

AT&T Wireless has filed evidence of the appropriate notices provided pursuant to 807 KAR 5:063. The notices solicited any comments and informed the recipients of their right to request intervention. To date, no comments have been filed with the Commission.

Pursuant to KRS 278.280, the Commission is required to determine proper practices to be observed when it finds, upon complaint or on its own motion, that the facilities of any utility subject to its jurisdiction are unreasonable, unsafe, improper, or insufficient. To assist the Commission in its efforts to comply with this mandate, AT&T Wireless should notify the Commission if it does not use this antenna tower to provide service in the manner set out in its application and this Order. Upon receipt of such notice, the Commission may, on its own motion, institute proceedings to consider the proper practices, including removal of the unused antenna tower, which should be observed by AT&T Wireless.

The Commission, having considered the evidence of record and being otherwise sufficiently advised, finds that AT&T Wireless has demonstrated that a facility is necessary to provide adequate utility service and therefore should be granted a Certificate of Public Convenience and Necessity to construct the proposed facility.

IT IS THEREFORE ORDERED that:

1. AT&T Wireless is granted a Certificate of Public Convenience and Necessity to construct a wireless telecommunications facility to be located at 10996 Dixie Highway, Walton, Boone County, Kentucky. The coordinates for the proposed facility are North Latitude 38° 55' 31.71" by West Longitude 84° 37' 27.95".

2. AT&T Wireless shall file a copy of the final decisions regarding its pending FAA and KAZC applications for the proposed construction within 10 days of receiving these decisions.

3. AT&T Wireless shall immediately notify the Commission in writing, if, after the antenna tower is built and utility service is commenced, the tower is not used for a period of 3 months in the manner authorized by this Order.

Done at Frankfort, Kentucky, this 31st day of August, 1999.

By the Commission

ATTEST:


Executive Director



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

June 23, 1999

Diane Bender
Tax Manager
AT&T Wireless PCS, Inc.
2630 Liberty Avenue
Pittsburgh, PA. 15222

Honorable Holland N. McTyeire
Attorney at Law
Greenebaum Doll & McDonald PLLC
3300 National City Tower
Louisville, KY. 40202

Honorable Debbie Braun
Attorney at Law
AT&T Wireless Services
Central Region
15 East Midland Avenue
Paramus, NJ. 07652

RE: Case No. 99-204 UAC
AT&T WIRELESS PCS, INC.

The Commission staff has reviewed your response of June 18, 1999 and has determined that your application in the above case now meets the minimum filing requirements set by our regulations. Enclosed please find a stamped filed copy of the first page of your filing. This case has been docketed and will be processed as expeditiously as possible.

If you need further information, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/hv
Enclosure

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)
PCS, INC., Acting By And Through Its Agent, WIRELESS)
PCS, INC., For The Issuance Of A Certificate Of Public)
Convenience And Necessity To Construct A Personal)
Communications Services Network Facility In Walton,)
Kentucky And Called The Richwood/Robinson Cell Site,)
Site # CN-205-03)

CASE NO.

99-204 UAC

FILED

JUN 18 1999

PUBLIC SERVICE
COMMISSION

* * *

FOR THE PUBLIC RECORD

Applicant, AT&T Wireless PCS, Inc. ("AT&T Wireless"), acting by and through its agent, Wireless PCS, Inc., through counsel, pursuant to KRS 278.020 and the rules and regulations applicable thereto and the Telecommunications Act of 1996, and House Bill 168 ("HB 168"), respectfully submits to the Commission its Uniform Application For A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services ("PCS") Network Facility at 10996 Dixie Highway, Route 25, Walton, Kentucky 41094 and called the Richwood/Robinson Cell Site, Site #CN-205-03.



COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION
730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KENTUCKY 40602
www.psc.state.ky.us
(502) 564-3940
Fax (502) 564-3460

Ronald B. McCloud, Secretary
Public Protection and
Regulation Cabinet

Helen Helton
Executive Director
Public Service Commission

Paul E. Patton
Governor

June 15, 1999

Ms. Diane Bender
Tax Manager
AT&T Wireless PCS, Inc.
2630 Liberty Avenue
Pittsburgh, Pennsylvania 15222

Re: Case No. 99-204 UAC
Filing Deficiencies

Dear Ms. Bender:

The Commission staff has reviewed your application in the above case. This filing is rejected pursuant to 807 KAR 5:001, Section 2, for the reasons set forth below. These items are either required to be filed with the application or to be referenced in the application if they are already on file in another case or will be filed at a later date.

Filing deficiency pursuant to 807 KAR 5:063, Section 4(1):

A list of the property owners who received the notice, together with copies of the certified letters sent to listed property owners.

The statutory time period in which the Commission must process this case will not commence until the above-mentioned information is filed with the Commission. You are requested to file one copy of this information within 15 days of this letter. If you need further information, please contact Amy Dougherty of my staff at 502-564-3940, extension 257.

Sincerely,

A handwritten signature in cursive script that reads "Stephanie Bell".

Stephanie Bell
Secretary of the Commission

hv
cc: Parties of Record





COMMONWEALTH OF KENTUCKY
PUBLIC SERVICE COMMISSION

730 SCHENKEL LANE
POST OFFICE BOX 615
FRANKFORT, KY. 40602
(502) 564-3940

May 27, 1999

Diane Bender
Tax Manager
AT&T Wireless PCS, Inc.
2630 Liberty Avenue
Pittsburgh, PA. 15222

Honorable Holland N. McTyeire
Attorney at Law
Greenebaum Doll & McDonald PLLC
3300 National City Tower
Louisville, KY. 40202

Honorable Debbie Braun
Attorney at Law
AT&T Wireless Services
Central Region
15 East Midland Avenue
Paramus, NJ. 07652

RE: Case No. 99-204 UAC
AT&T WIRELESS PCS, INC.
(Construct) CELL SITE - 10996 DIXIE HIGHWAY - BOONE COUNTY

This letter is to acknowledge receipt of initial application in the above case. The application was date-stamped received May 26, 1999 and has been assigned Case No. 99-204. In all future correspondence or filings in connection with this case, please reference the above case number.

If you need further assistance, please contact my staff at 502/564-3940.

Sincerely,
Stephanie Bell

Stephanie Bell
Secretary of the Commission

SB/jc

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

UNIFORM APPLICATION OF AT&T WIRELESS)
PCS, INC., Acting By And Through Its Agent, WIRELESS)
PCS, INC., For The Issuance Of A Certificate Of Public)
Convenience And Necessity To Construct A Personal)
Communications Services Network Facility In Walton,)
Kentucky And Called The Richwood/Robinson Cell Site,)
Site # CN-205-03)

CASE NO.

99-204 UAC

FILED

JUN 18 1999

PUBLIC SERVICE
COMMISSION

* * *

FOR THE PUBLIC RECORD

Applicant, AT&T Wireless PCS, Inc. ("AT&T Wireless"), acting by and through its agent, Wireless PCS, Inc., through counsel, pursuant to KRS 278.020 and the rules and regulations applicable thereto and the Telecommunications Act of 1996, and House Bill 168 ("HB 168"), respectfully submits to the Commission its Uniform Application For A Certificate Of Public Convenience And Necessity To Construct A Personal Communications Services ("PCS") Network Facility at 10996 Dixie Highway, Route 25, Walton, Kentucky 41094 and called the Richwood/Robinson Cell Site, Site #CN-205-03.